

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:19-CR-82-D

UNITED STATES OF AMERICA,

v.

DARYL LEE GODETTE,

Defendant.


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ORDER

On June 30, 2021, a jury convicted Daryl Lee Godette (“Godette” or “defendant”) of all counts of a six-count indictment [D.E. 143]. At the close of the government’s case in chief, Godette moved for a judgment of acquittal under Federal Rule of Criminal Procedure 29. The court denied the motion. On July 1, 2021, Godette renewed his motion for a judgment of acquittal [D.E. 145]. On July 14, 2021, the government responded in opposition [D.E. 153, 154].

Under Rule 29(c), “[i]f the jury has returned a guilty verdict, the court may set aside the verdict and enter an acquittal.” Fed. R. Crim. P. 29(c)(2). The court has considered the government’s evidence under the governing standard. *See, e.g., United States v. Ath*, 951 F.3d 179, 185 (4th Cir. 2020); *United States v. Cowden*, 882 F.3d 464, 473–74 (4th Cir. 2018); *United States v. Penniegraft*, 641 F.3d 566, 571–72 (4th Cir. 2011); *United States v. Beidler*, 110 F.3d 1064, 1067 (4th Cir. 2010). Construing the evidence in the light most favorable to the government, the court agrees with the government’s persuasive response and concludes a reasonable factfinder “could view the evidence as establishing the defendant’s guilt [on each count] beyond a reasonable doubt.” *Cowden*, 882 F.3d at 474 (quotation omitted); *see United States v. Alerre*, 430 F.3d 681, 693 (4th Cir. 2005). Thus, the court DENIES defendant’s motion for judgment of acquittal [D.E. 145].

SO ORDERED. This 13 day of December, 2021.



JAMES C. DEVER III
United States District Judge